

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 2-2005)

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

006050.00067

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/509,627

INTERNATIONAL APPLICATION NO.

PCT/US03/10540

INTERNATIONAL FILING DATE

April 08, 2003

PRIORITY DATE CLAIMED

April 08, 2002

TITLE OF INVENTION

PHARMACEUTICAL COMPOSITIONS CONTAINING WATER-SOLUBLE PRODRUGS OF PROPOFOL AND METHODS OF ADMINISTERING SAME

APPLICANT(S) FOR DO/EO/US

Peggy WINGARD, Eric S. BURAK, Ekaterina GIBIANSKY, James J. VORNOV

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

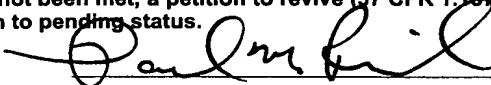
1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.
23. ☒ Other items or information:

Response to Notice to File Missing Requirements; Copy of Notice to File Missing Requirements; Submission of Substitute Application Data Sheet; Substitute Application Data Sheet.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/509,627		INTERNATIONAL APPLICATION NO. PCT/US03/10540		ATTORNEY'S DOCKET NUMBER 006050.00067	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee		\$300		\$	\$0.00
25. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). All other situations.		\$100 \$200		\$	\$0.00
26. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority International Search Report prepared and provided to the Office All other situations.		\$100 \$400 \$500		\$	\$0.00
TOTAL OF 24, 25 and 26 =				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0 /50 =	0	x \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$65.00
SUBTOTAL =				\$	\$65.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$40.00
TOTAL FEES ENCLOSED =				\$	\$105.00
				Amount to be	\$
				Amount to be	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>19-0733</u> in the amount of <u>\$105.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0733</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: Banner & Witcoff, Ltd. Customer No. <u>22907</u> NAJHRRO 00000076 190733 10509627</p>					
				 SIGNATURE Paul M. Rivard NAME 43,446 REGISTRATION NUMBER	

05/04/2005
01 FC:2617

65.00 DA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WINGARD *et al.*

Int'l Application No.: PCT/US2003/010540

Application No. 10/509,627

Filed: April 08, 2003

For: PHARMACEUTICAL
COMPOSITIONS CONTAINING
WATER-SOLUBLE PRODRUGS
OF PROPOFOL AND METHODS
OF ADMINISTERING SAME

Art Unit: TO BE ASSIGNED

Examiner: TO BE ASSIGNED

Atty Docket: 006050.00067

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated April 21, 2005, Attorney for Applicants respectfully submits herewith the following documents to complete the requirements for acceptance under 35 USC 371:

Serial No. 10/509,627

Response to Missing Requirements
Under 35 U.S.C. 371 In The United States
Designated/Elected Office (DO/EO/US)

1. Fee Transmittal Sheet Form PTO-1390 (Modified) in Duplicate;
2. Copy of the Notification of Missing Requirements; and
3. Executed Declaration for Patent Application and
4. Executed Assignment with Recordation cover sheet.

The Commissioner for Patents is authorized to charge our Deposit Account No. 19-0733 in the amount of \$105.00, as follows:

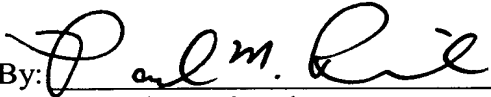
\$ 65.00 Late declaration surcharge (small entity)

\$ 40.00 Recordation of Assignment.

It is not believed that any additional fees are required. However, in the event that additional fees are necessary, then such fees are authorized to be charged to our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 
Paul M. Rivard
Registration No. 43,446

Date: April 29, 2005

Banner & Witcoff Ltd
Customer Number: 22907

PMR/ahd



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/509,627	Peggy Wingard	006050.00067

INTERNATIONAL APPLICATION NO.	
PCT/US03/10540	
IA. FILING DATE	PRIORITY DATE
04/08/2003	

22907
 BANNER & WITCOFF
 1001 G STREET NW
 SUITE 1100
 WASHINGTON, DC 20001

APR 25 2005

CONFIRMATION NO. 2806
 371 FORMALITIES LETTER



OC000000015796056

Date Mailed: 04/21/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/29/2004
- Copy of the International Search Report filed on 09/29/2004
- Information Disclosure Statements filed on 09/29/2004
- Request for Immediate Examination filed on 09/29/2004
- Copy of references cited in ISR filed on 09/29/2004
- U.S. Basic National Fees filed on 09/29/2004
- Priority Documents filed on 09/29/2004

Docketed 4/25/05
 Attny SAR/PMR
 Case Ref 006050.00067
 Action Response (2 Mon Missing)
 Due Date 6-21-05
 Last Day 11-21-05
 By YS

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,627	PCT/US03/10540	006050.00067

FORM PCT/DO/EO/905 (371 Formalities Notice)

Mar 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Atty Docket: 006050.00067

**Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314**

Attorney for Applicants respectfully submits a substitute Application Data Sheet and requests that it be substituted for the Application Data Sheet filed with the above-referenced patent application. The original Application Data Sheet contained an error, to wit: Inventor WINGARD's address and the spelling of Inventor GIBIANSKY's last name. This inaccuracy was due to clerical error. Please make the necessary corrections.

No fee is believed due in connection with the filing of this paper. However, if any fee is due, please charge our Deposit Account No. 19-0733, as necessary.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 

Paul M. Rivard
Registration No. 43,446

Date: April 29, 2005

Banner & Witcoff Ltd
Customer Number: 22907

PMR/ahd